

# NEBRASKA

Good Life. Great Mission.

DEPT. OF HEALTH AND HUMAN SERVICES



Jim Pillen, Governor

December 1, 2023

The Nebraska Medical Center  
987400 Nebraska Medical Center  
Omaha, NE 68198

Attn: Mark Theis  
Radiation Safety Officer

Dear Mr. Theis:

Thank you for your letter dated November 22, 2023, informing us of the steps you have taken to correct the noncompliance of Radioactive Material License No. 01-88-01 which we brought to your attention in our letter dated October 23, 2023, 2021. We have no further questions at this time. These matters will be examined during a future inspection.

Your cooperation with us is appreciated. If you have any questions or concerns regarding this information, please contact me at (402) 471-6444.

Sincerely,

Bryan G. Miller, Health Physicist  
Office of Radiological Health  
DHHS - Division of Public Health

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Jim Pillen, Governor

October 23, 2023

The Nebraska Medical Center  
987400 Nebraska Medical Center  
Omaha, NE 68198

ATTN: Mark Theis  
Radiation Safety Officer

Dear Mr. Theis:

This refers to the inspection conducted by Bryan Miller, Michael Gries, and Connor Meeks of this office on September 27-28, 2023 of activities authorized by your Nebraska Radioactive Material License No. 01-88-01. Our findings were discussed with Carrie Carson, Frank Rutar, Thomas Lane, Shelly Leeper, Marcy Sanink, Pat Wortmann, and you at the conclusion of this inspection.

This inspection was an examination of the activities conducted under your license, a selective examination of procedures and representative records, observations and interviews with personnel as they relate to radiation safety and to compliance with the Department's rules and regulations and the conditions placed on the license.

The inspection also included a review of the actions described in your letter dated August 13, 2021 regarding items of noncompliance identified during our June 24, 2021 inspection. We have no further questions regarding this matter.

Based on the results of this inspection, certain of your activities were not conducted in full compliance with Title 180, as set forth in the Notice of Noncompliance enclosed herewith.

This is to advise you that you are required to post a notice of violation of radiological working conditions (see enclosure). Any noncompliance item with respect to the Regulations or the conditions of the license is considered a violation of working conditions per 180 NAC 10-002.01(D).

The Nebraska Medical Center  
October 16, 2023  
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Recommendations are also included for those areas of Health and Safety, which should be reviewed.

Submit a written statement or explanation in reply including:

- (1) Corrective actions which have been taken by you and the results achieved.
- (2) Corrective actions which will be taken to avoid further items of noncompliance.
- (3) The date when full compliance will be achieved.

This report shall be received by this office before **November 27, 2023**.

If you have any questions or concerns regarding this inspection, please contact me, at (402) 471-6444.

Sincerely,



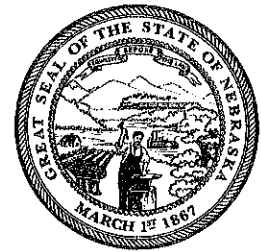
Bryan Miller, Health Physicist  
Radioactive Materials Program  
DHHS - Division of Public Health

Encl. Notice of Noncompliance  
Recommendations

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DEPT. OF HEALTH AND HUMAN SERVICES



Jim Pillen, Governor

**NOTICE OF NONCOMPLIANCE**  
**The Nebraska Medical Center**  
**Radioactive Material License No. 01-88-01**

Based on the results of the Nebraska Department of Health & Human Services, Division of Public Health inspection conducted on September 27-28, 2023, certain of your activities are in noncompliance with Title 180 (Control of Radiation) and the conditions of your Radioactive Material License No. 01-88-01 as indicated below:

1. 180 NAC 7-018.01(D) requires the licensee permitting the receipt, possession, use, or transfer of radioactive material by an individual under the supervision of an authorized user to audit the performance of each supervised individual initially and at least annually. The audit must include verification that the supervised individual is meeting the requirements of 180 NAC 7-018.01, item 2 and physical observation of the individual performing the duties the authorized user has delegated to them.

Contrary to the above, as of September 27, 2023, the licensee had not performed the initial authorized user audit for Tyler Hogan prior to allowing independent work.

This is a Severity Level IV violation.

2. 180 NAC 13-005.01 requires that each licensee who transports licensed material outside of the confines of his plant or other place of use, or who delivers radioactive material to a carrier for transport comply with the applicable regulations appropriate to the mode of transport in 49 CFR part 107, 171-180 and 390-397.

49 CFR 172.704 (c)(1) requires that a new hazmat employer receive training required by 49 CFR 172, subpart H, initially.

Contrary to the above, as of September 27, 2023, the licensee had not provided initial hazmat training in accordance with 49 CFR 172, for Tyler Hogan, CNMT.

This is a Severity Level IV violation.

3. 180 NAC 7-071.01(D) requires that the licensee develop, implement, and maintain written procedures for responding to an abnormal situation when the operator is unable to place the source or sources in the shielded position, or remove the patient or human research subject from the radiation field with controls from outside the treatment room. These procedures must include, among other things, The names and telephone numbers of the authorized users, the authorized medical physicist, and the RSO to be contacted if the unit or console operates abnormally.

Contrary to the above, as of September 27, 2023, even though the licensee had developed written procedures for responding to abnormal situations, the procedures did not include all necessary information. Specifically, the procedures did not contain a contact name or number of an authorized user.

This is a severity level V violation.

**RECOMMENDATIONS**  
**The Nebraska Medical Center**  
**Radioactive Material License No. 01-88-01**  
**Date of Inspection: September 27-28, 2023**

1. It is recommended that the biannual DOT training documents showing the action level of 24,000 dpm/cm<sup>2</sup> be corrected to 2,400 dpm/cm<sup>2</sup>. This correction applies the wipe efficiency of 10% as listed in 49 CFR 173.443(b).